

**JUN 19 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

PAYAM GHADERI,

Plaintiff - Appellant,

v.

CITY OF SAN JOSE,

Defendant - Appellee.

No. 04-17222

D.C. No. CV-03-03396-HRL

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Howard R. Lloyd, Magistrate Judge, Presiding<sup>\*\*</sup>

Submitted June 12, 2006<sup>\*\*\*</sup>

Before: WALLACE, KLEINFELD and BERZON, Circuit Judges.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This case was assigned, with the consent of the parties, to a Magistrate Judge, pursuant to 28 U.S.C. § 636(c)(1).

<sup>\*\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Payam Ghaderi appeals pro se from the district court's judgment in his 42 U.S.C. § 1983 action alleging that a police officer illegally towed his motor home resulting in injury and death to his cats. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's grant of summary judgment, *Morrison v. Hall*, 261 F.3d 896, 900 (9th Cir. 2001), and we affirm.

The district court properly granted summary judgment for the defendant because Ghaderi did not raise a genuine issue of material fact as to whether the towing of his motor home, based upon a police officer's report that it was not registered, demonstrates an unconstitutional policy or custom of the City of San Jose. *See Bd. of County Comm'rs v. Brown*, 520 U.S. 397, 403 (1997).

Ghaderi's remaining contentions are without merit.

**AFFIRMED.**